

**CITY OF LONG BEACH
MINUTES OF A MEETING
OF THE COMMON COUNCIL
HELD FEBRUARY 6, 2024**

A meeting of the City Council of the City of Long Beach was held on Tuesday February 6, 2024.

Present were Council Pres. Finn and Council Members Bendo, Fiumara, Lester, and Reinhart.

Corporation Counsel Dennis Cohen and City Manager Daniel Creighton were also present.

City Manager, Daniel Creighton began his report by speaking about the ongoing budget meetings that are being held with all departments. He also noted that there were meetings held with the Volunteer Firefighters, the Auxiliary Police, and others including Nassau County Officials. Mr. Creighton continued to speak about moving forward with the many projects and goals set forth for the City.

During the City Manager's Report, a presentation was made by The Bonadio Group of the audit for the fiscal year 2023 finances.

Council President Finn thanked both the City Comptroller, Inna Reznik and The Bonadio Group for preparing this presentation.

Council Member Lester had questions regarding the General Fund balance and total liabilities.

The Bonadio Group and Ms. Reznik answered Mr. Lester's questions.

Council Member Bendo asked about the progress the city was making.

The Bonadio Group noted that the city was moving in the right direction.

Editor's Note: Item #4 was called and voted for out of order before the public hearings.

#4 – Resolution Confirming the Appointment of a Fire Commissioner

Mr. Creighton announced the confirmation of the appointment of Joseph Miller as Fire Commissioner for the City of Long Beach.

James Hodge (95 E Fulton St) – spoke in favor of Mr. Miller's appointment.

Katherine Lewis (126 Roosevelt Blvd) – Secretary Local 287 UFA – Expressed her concerns regarding a recent order initiated by Commissioner Joseph Miller in staff changing for the LB Fire Department.

Council President Finn thanked Ms. Lewis for her service and duly-noted her concerns.

Brian Abramson (State St) – Vice President Local 287 UFA – Read the order that was initiated by Commissioner Joseph Miller and expressed his concerns regarding this order.

Council Member Lester asked about the scheduling and ambulance calls.

Council President Finn asked former Fire Commissioner Scott Kemins to speak on this topic.

Scott Kemins (former Fire Commissioner) - Commissioner Kemins gave a timeline on the configuration of the Fire Department, Firefighters, and the inclusion of the Paramedics. He continued to speak about the contents of previous and current contracts. Mr. Kemins noted that everyone agrees that safety is number one and moving forward, maybe the city and the union could come to some type of agreement that can work for everyone temporarily and non-binding.

Council President Finn added that although this was not the time or place to discuss negotiations, he did agree that residents need to be safe, and all concerns will be addressed.

Council Member Lester asked how many calls the fire department had per year.

Mr. Kemins responded that there were approximately 5,200 calls per year – and almost 80% were EMS (Emergency Medical Services) – which came to about 3,500 ambulance calls.

Charles Rubin (510 E Olive St) – Ex-Chief, Long Beach Fire Dept - Spoke about the overtime issue in the Fire Department and suggested some solutions.

Brian Jones (618 E Walnut St) – Treasurer Local 287 UFA – spoke about the Fire Department contract and expressed what he believed was the reason for the overtime. He also asked about the interview process for the Fire Commissioner and asked to have the new Fire Commissioner's resume posted.

Mr. Finn once again noted that it was not the time or place to negotiate a contract and that he had the utmost respect for the Fire Department and Firefighters. He also added that while he was campaigning, many people asked about the reason for the Fire Department overtime. President Finn stated that what the council is doing right now is trying to figure out what is best for the residents and the fire department while being fiscally responsible to the City.

Mark Babich (1050 W Park St) – Asst. Chief, Long Beach Fire Dept - Spoke in favor of swearing in the Joe Miller as the Fire Commissioner and spoke positively about Commissioner Joseph Miller.

Council Vice President Fiumara agreed with Chief Babich and expressed his disappointment regarding the discussion that was taking place in this manner regarding the Fire Department contract and overtime, and the negativity around the appointment of the new Fire Commissioner. He concluded by stating that he understood that the present system was not working and needed to be addressed.

Tyler Rutter– Spoke about the leadership of the Fire Department and the division between the Volunteer Fire Department and the paid Fire Department. He also spoke about his tenure with the Long Beach Fire Department and disagreed with the order that was recently issued.

Council President Finn thanked Mr. Rutter for his service and assured him that everything is going to be looked into.

Nick Rooney (President, Long Beach PBA) – spoke in favor of Joe Miller as Fire Commissioner. He also expressed his disapproval of the city using a certain outside Counsel firm.

After several comments were made by some Councilmembers in favor of appointing the new Fire Commissioner, the City Manager invited the following employees to be sworn-in to their new roles:

Acting Police Commissioner, Richard DePalma
Inspector, Executive Officer – Michael Corbett
Fire Commissioner, Joseph Miller
Director of Office of Emergency Management, Scott Kemins

The public hearings were held

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Officers.

Mr. Creighton noted that this item was for the restructuring of the composition of the Ethics Board that would change the amount of membership to five (5) members that will include volunteers, with the Corporation Counsel as the ex officio member who would advise the other members when needed.

Corporation Counsel, Dennis Cohen added that this amendment also eliminated the portion where it states that at least one member be an elected or appointed Municipal Officer or Employee.

Councilmember Lester asked if this amendment was due to the lack of applicants.

Mr. Cohen replied that there had been a struggle over the years in getting enough members to fill the vacancies on the board. He also added that at the last Ethics Board meeting, it was recommended that the Ethics Board be reduced from eight (8) to five (5) members.

Christina Kramer (E Broadway) – asked for clarity on the amendment and suggested that the information be posted so people are aware of the qualifications, etc.

Lisa Spar (Shore Rd) – noted that she was recently interviewed for the Ethics Board in October and wanted to let the council know that she was interested.

Council President Finn replied that he would look into the interview of Ms. Spar and would get information out to the public regarding the Ethics Board.

Director of Public Relations, John McNally confirmed that Ms. Spar was interviewed by himself, and then Deputy City Manager, Cindy Rogers. He also noted that the process was put on hold because this amendment to the City Code was being considered at that time.

PUBLIC HEARING: Local Law Amending the Charter of the City of Long Beach Re: City Officers.

The City Manager described the amendment as a change in the Charter for indemnification of Hearing Officers. He noted that at this time, the city only indemnifies city employees who serve as Hearing Officers. Mr. Creighton added that this amendment will include outside vendors while serving as independent Hearing Officials.

The calendar items were read by the City Clerk

#1 – Approval of Minutes of Prior Meeting of January 16, 2024

Council Member Bendo made a motion to approve the minutes. It was seconded by Mr. Reinhart and was approved unanimously.

#2 – Local Law Amending the Charter of the City of Long Beach Re: City Officers

A hearing had been held on this item already.

#3 – Local Law Amending the Charter of the City of Long Beach Re: City Officers.

A hearing had been held on this item already.

#4 – Resolution Confirming the Appointment of a Fire Commissioner

See above.

#5 – Resolution Confirming the Appointment of a City Engineer

Mr. Creighton stated that this was to confirm the official appointment of Russell Darress. He added that Mr. Darress had been in this position since September 18, 2023 and this will officially confirm him as City Engineer.

Councilmember Bendo asked if moving forward, the council should have a chance to speak with Officers being appointed.

Council President Finn noted that this discussion should happen at an open meeting.

Council Member Lester asked if Mr. Darress was the person who signs off on things.

The City Manager stated that Mr. Darress was not a Professional Engineer.

Council Member Lester then asked if the city would need to hire people to sign off on certain things.

Mr. Creighton replied that he himself would be able to sign off on items that were in the area of his expertise as a Professional Engineer. He also noted that if it was outside his area of expertise, he would hire an outside professional engineer to sign off.

#6 – Resolution Authorizing the City Council to Enter into an Employment Contract with the City Manager.

Council President Finn described the reasons for offering this contract and spoke to some of the items in the contract.

Councilmember Lester had questions regarding the contract.

Council President Finn responded to Mr. Lester and a lengthy discussion ensued regarding the City Manager's contract.

Mr. Bendo questioned why the council has not had a discussion on this contract.

Pres. Finn responded that they were now having the discussion in an open meeting as per the open meetings law. He suggested that they go into executive session if they wanted to discuss personnel matters.

Council Member Bendo made a motion to go into executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation. It was seconded by Pres. Finn and was carried unanimously.

#7 – Resolution Requiring Certain Individuals to File an Annual Statement of Financial and Ethical Disclosure for the 2023 Calendar Year

The City Manager explained that based on recommendations by the Ethics Board, moving forward, all Department Heads, City Comptroller, City Treasurer, Purchasing Agent, Police Commissioner, Fire Commissioner, and employees of the Corporation Counsel are now added as those individuals who will now be required to file a Financial and Ethical Disclosure Statement.

Barry Ratzkin – 410 E. Broadway – asked about the penalties for failing to file a financial disclosure and who reviews them.

Corporation Counsel, Dennis Cohen noted that the Board of Ethics are the ones who review the statements and that according to the City Charter, a penalty can be imposed for late filings or failure to file.

#8 – Resolution Authorizing the City Manager to Enter into an Agreement for the Preparation of Plans, Specifications and Contract Documents for the Rehabilitation of the Long Beach Police Auxiliary Building

Mr. Creighton explained that this resolution was for the purpose of entering into a contract for the rehabilitation of the police auxiliary building to the lowest responsible bidder.

Council Member Bendo asked about the process leading up to the cost of the project.

Commissioner of Public Works, Joe Febrizio gave the background and an extensive explanation of the description and cost for the project.

A lengthy discussion ensued regarding the design, rehabilitation, and construction cost of the project as well as the potential to sell the property.

Mr. Febrizio and the City Manager responded to all questions.

Council Member Bendo made a motion to table this item. It was seconded by Pres. Finn and was carried unanimously.

#9 – Resolution Authorizing the City Manager to Enter into an Agreement for the Downtown Resilient Connectivity for East Park Avenue Riverside Boulevard to Long Beach Road Project Phase II

Mr. Creighton described the reason and purpose for this agreement.

Commissioner Febrizio stated that grant funds were available from the New York Department of State for this project. He also spoke about the timeline, location, and description of the project.

#10 – Resolution Authorizing the City Manager to Enter into a Contract for Emergency Sanitary Sewer Replacement at East Pine Street between Clark Street and Harmon Street with the Lowest Bidder

The City Manager described the reason and purpose of this resolution.

Councilmember Bendo asked about the vendor who was awarded the bid.

Commissioner Febrizio noted that this vendor was new to the city but felt that they were capable of completing the project.

Councilmember Bendo had a question regarding the relining of the pipes.

Mr. Febrizio replied to Mr. Bendo's question.

#11 – Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2024-2025 (50th Year).

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on February 20, 2024 at 7:00 p.m.

#12 – Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1024 West Beech Street (street floor), Long Beach, New York

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on February 20, 2024 at 7:00 p.m.

#13 – Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Appendix A – Zoning.

A Public Hearing will be held at City Hall, 1 West Chester Street, Long Beach, New York, on February 20, 2024 at 7:00 p.m.

The voting portion of the meeting was then begun.

Council Member Lester introduced and moved the adoption of the following local law, seconded by Mr. Bendo , and it was duly adopted, all five council members present voting in the affirmative.

(L.L. #I/24)

Local Law Amending the Charter of the City of Long Beach Re: City Officers

Council Member Reinhart introduced and moved the adoption of the following local law, seconded by Mr. Lester, and it was duly adopted, all five council members present voting in the affirmative.

(L.L. #II/24)

Local Law Amending the Charter of the City of Long Beach Re: City Officers

Council Member Reinhart introduced and moved the adoption of the following resolution, seconded by Mr. Fiumara, and it was duly adopted by four affirmative votes. Council Member Lester voted no.

(RES. #8/24)

Resolution Confirming the Appointment of a Fire Commissioner

Council Member Bendo introduced and moved the adoption of the following resolution, seconded by Mr. Reinhart, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #9/24)

Resolution Confirming the Appointment of a City Engineer

Council Member Reinhart introduced and moved the adoption of the following resolution, seconded by Mr. Fiumara, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #10/23)

Resolution Authorizing the City Council to Enter into an Employment Contract with the City Manager

Council Member Bendo introduced and moved the adoption of the following resolution, seconded by Pres. Finn, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #11/23)

Resolution Requiring Certain Individuals to File an Annual Statement of Financial and Ethical Disclosure for the 2023 Calendar Year.

Council Member Reinhart introduced and moved the adoption of the following resolution, seconded by Pres. Finn, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #12/23)

Resolution Authorizing the City Manager to Enter into an Agreement for the Downtown Resilient Connectivity for East Park Avenue Riverside Boulevard to Long Beach Road Project Phase II

Council Pres. Finn introduced and moved the adoption of the following resolution, seconded by Mr. Bendo, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #13/23)

Resolution Authorizing the City Manager to Enter into a Contract for Emergency Sanitary Sewer Replacement at East Pine Street between Clark Street and Harmon Street with the Lowest Bidder

Council Member Reinhart introduced and moved the adoption of the following resolution, seconded by Pres. Finn, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #14/23)

Resolution Authorizing Publication of a Notice of Public Hearing for the Filing of an Application with the County of Nassau for the Purpose of Undertaking a Community Development Program, Under Title I of the Housing and Community Development Act of 1974, as Amended, and Title II of the National Affordable Housing Act of 1990, as Amended, for Inclusion in the City's Community Development Program for 2024-2025 (50th Year).

Council Member Bendo introduced and moved the adoption of the following resolution, seconded by Mr. Reinhart, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #15/23)

Resolution Authorizing Publication of a Notice of Public Hearing of an Application to Waive the Off-Street Parking Requirements for Premises: 1024 West Beech Street (street floor), Long Beach, New York

Council Member Reinhart introduced and moved the adoption of the following resolution, seconded by Pres. Finn, and it was duly adopted, all five council members present voting in the affirmative.

(RES. #16/23)

Resolution Authorizing Publication for Hearing of an Ordinance to Amend the Code of Ordinances of the City of Long Beach Re: Appendix A – Zoning

There being no further business before the Council, Council Member Bendo made a motion to close the meeting. It was seconded by Mr. Fiumara and was duly closed, all five council members present voting in the affirmative.

Dated: February 7, 2024

David W. Fraser
City Clerk

Good and Welfare

Brian Dombrowski – 240 E Market St

Pamela Banks – 270 W Bay Dr

Crystal Lake – 206 E Market St

Mindi Dovberg

Jeanne Browne – 559 E Park Ave

Jennifer Sarafin – 107 Neptune Blvd

Christina Kramer

James Hodge – 95 E Fulton St

Eileen Hession – 516 W Beech St

Spoke about bike lanes

Spoke about broken lamp posts on W Bay Dr

Spoke about the North Shore Infrastructure Project

Spoke about the “Art of Wellness” event

Spoke on behalf of the Long Beach Historical Society and asked the city to re-instate their boardwalk fair

Spoke about the Article 7 proceeding from the Wind Farm project and commented on the recent negative use of social media

Spoke about the Wind Farm project and commented on the recent negative use of social media

Thanked Scott Kemins and Rich DePalma for their service and spoke about diversity in hiring in the Police Dept.

Spoke about the audit presentation and thanked the prior administration for their work on the budget. Also spoke about the Fire Dept. and the Aux Police building